

State grain inspection department established by the laws of such State, the Secretary of Agriculture shall issue licenses to the persons duly authorized and employed to inspect and grade grain under the laws of such State. (Aug. 11, 1916, ch. 313, part B, § 7, 39 Stat. 484.)

§ 80. Revocation and suspension of license.

The Secretary of Agriculture may suspend or revoke any license issued by him under this chapter whenever, after opportunity for hearing has been given to the licensee, the Secretary shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or by any other standard than is authorized under this chapter, or has issued any false certificate of grade, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has violated any provision of this chapter or of the rules and regulations made thereunder. Pending investigation the Secretary of Agriculture, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, ch. 313, part B, § 7, 39 Stat. 484.)

§ 81. Disqualification to act as inspector or departmental agent.

No person licensed by the Secretary of Agriculture to inspect or grade grain or employed by him in carrying out any of the provisions of this chapter shall, during the term of such license or employment, be interested, financially or otherwise, directly or indirectly, in any grain elevator or warehouse, or in the merchandising of grain, nor shall he be in the employment of any person or corporation owning or operating any grain elevator or warehouse. (Aug. 11, 1916, ch. 313, part B, § 7, 39 Stat. 484.)

§ 82. Records and reports by inspectors.

The Secretary of Agriculture shall require every inspector licensed under this chapter to keep complete and correct records of all grain graded and inspected by him and to make reports to the Secretary of Agriculture, in such forms and at such times as he may require, showing the place of inspection, the date of inspection, the name of the elevator or warehouse, if any, to which the grain was delivered or from which it was shipped, the kind of grain, the quantity of each kind, the grade thereof, and such other information as the Secretary of Agriculture may deem necessary. (Aug. 11, 1916, ch. 313, part B, § 7, 39 Stat. 484.)

§ 83. Semiannual reports by Secretary.

The Secretary of Agriculture, on each first Tuesday in January and each first Tuesday in July of each year shall make publication of a summary of such facts as are ascertained, showing in as great detail as possible all the facts, including a summary as to the amount and grade of grain delivered to any elevator or warehouse and the amount and grade of grain delivered from such elevator or warehouse, and the estimated amount received on sample or type by such elevator or warehouse, and the estimated amount delivered therefrom on sample or type. (Aug. 11, 1916, ch. 313, part B, § 7, 39 Stat. 484.)

§ 84. Adoption by Secretary of rules and regulations generally.

The Secretary of Agriculture shall, from time to time, make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter. (Aug. 11, 1916, ch. 313, part B, § 8, 39 Stat. 485.)

§ 85. Violations generally; punishment.

Any person who shall knowingly violate any of the provisions of sections 76 or 79-83 of this title, or any inspector licensed under this chapter who shall knowingly inspect or grade improperly any grain which has been shipped or delivered for shipment in interstate or foreign commerce, or shall knowingly give any false certificate of grade, or shall accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty, and any person who shall improperly influence or attempt to improperly influence any such inspector in the performance of his duty, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, ch. 313, part B, § 9, 39 Stat. 485.)

§ 86. Interference with execution of official duties; punishment.

Every person who forcibly assaults, resists, impedes, or interferes with any officer or employee of the United States Department of Agriculture in the execution of any duties authorized to be performed by this chapter or the rules and regulations made thereunder shall, upon conviction thereof, be fined not more than \$1,000, or be imprisoned not more than one year, or both. (Aug. 11, 1916, ch. 313, part B, § 10, 39 Stat. 485.)

§ 87. Effect of partial invalidity of chapter.

If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, ch. 313, part B, § 11, 39 Stat. 485.)

Chapter 4.—NAVAL STORES ACT

Sec.

91. Short title of chapter.
92. Definitions.
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94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.
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98. Appropriation for and expenses in enforcement of chapter.
99. Effect of partial invalidity of chapter.

TRANSFER OF FUNCTIONS

The Food and Drug Administration in the Department of Agriculture and its functions, except those functions

relating to the administration of the Naval Stores Act, sections 91-99 of this title, were transferred to the Federal Security Agency by Reorg. Plan No. IV, § 12, set out in notes to section 133t of Title 5, Executive Departments and Government Officers and Employees.

§ 91. Short title of chapter.

For convenience of reference, this chapter may be designated and cited as "The Naval Stores Act." (Mar. 3, 1923, ch. 217, § 1, 42 Stat. 1435.)

§ 92. Definitions.

When used in this chapter—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia. (Mar. 3, 1923, ch. 217, § 2, 42 Stat. 1435.)

§ 93. Establishment of official naval stores standards.

For the purposes of this chapter the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 92 of this title and the rosin types, prepared, prior to March 3, 1923, and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this chapter or

established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modification shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin", as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards", and shall be the standards by which all naval stores in commerce shall be graded and described. (Mar. 3, 1923, ch. 217, § 3, 42 Stat. 1435.)

§ 94. Supplying duplicates of standards; examination, etc., of naval stores and certification thereof.

The Secretary of Agriculture shall provide, if practicable, any interested persons with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court. (Mar. 3, 1923, ch. 217, § 4, 42 Stat. 1436.)

§ 95. Prohibition of acts deemed injurious to commerce in naval stores.

The following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter, or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for

sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such. (Mar. 3, 1923, ch. 217, § 5, 42 Stat. 1436.)

§ 96. Punishment for violation of prohibition.

Any person willfully violating any provision of section 95 of this title shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding one year, or both. (Mar. 3, 1923, ch. 217, § 6, 42 Stat. 1436.)

§ 97. Purchase and analysis by Secretary of samples of spirits of turpentine to detect violations; reports to Department of Justice; publication of results of analysis, etc.

The Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this chapter. He shall report to the Department of Justice for appropriate action any violation of this chapter coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this chapter. (Mar. 3, 1923, ch. 217, § 7, 42 Stat. 1436.)

§ 98. Appropriation for and expenses in enforcement of chapter.

There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this chapter, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere. (Mar. 3, 1923, ch. 217, § 8, 42 Stat. 1436.)

§ 99. Effect of partial invalidity of chapter.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby. (Mar. 3, 1923, ch. 217, § 9, 42 Stat. 1437.)

Chapter 5.—IMPORTATION OF ADULTERATED SEEDS ACT

§§ 111–116. Repealed. August 9, 1939, ch. 615, § 419, 53 Stat. 1290.

Sections, acts August 24, 1912, ch. 382, §§ 1–6, 44 Stat. 325; August 11, 1916, ch. 313, 39 Stat. 453; April 26, 1926, ch. 186, §§ 1, 2, 44 Stat. 325, were repealed by section 1609 of this title, effective on the one hundred and eightieth day after August 9, 1939; except that notices with respect to imported alfalfa and red clover seed promulgated by the Secretary of Agriculture under authority of these sections, which were in effect August 10, 1939, remained in full force and effect as if promulgated under sections 1551–1610 of this title.

Chapter 6.—INSECTICIDES ACT

Sec.

- 121. Short title of chapter.
- 122. Definitions generally; "insecticide"; "Paris green"; "lead arsenate"; "fungicide."
- 123. "Territory"; "person"; defined.
- 124. Liability of principal for act of agent.
- 125. Manufacture of adulterated or misbranded articles prohibited; punishment.
- 126. Transportation or sale of adulterated or misbranded articles prohibited; punishment; exception; articles for export.
- 127. General rules and regulations; collection and examination of specimens.
- 128. Examinations of specimens; notice to interested party and hearing; certification to district attorney; publication.
- 128a. Examination, by whom made.
- 129. District attorney to prosecute violations.
- 130. When articles deemed adulterated.
- 131. When articles deemed "misbranded"; labels.
- 132. Guaranty of wholesaler, etc., as protection to retailer; liability of guarantor.
- 133. Seizure and condemnation of adulterated or misbranded articles; disposition of articles or proceeds; procedure; jury trial.
- 134. Importation of articles; examination of samples; exclusion if adulterated, etc.; destruction or exportation; provisional delivery to consignee; bond; charges and lien.

INVESTIGATION

Insecticide and fungicide investigation was transferred from Bureau of Chemistry and Soils to Bureau of Entomology and Plant Quarantine. See act May 17, 1935, ch. 131, 49 Stat. 268.

TRANSFER OF FUNCTIONS

The Food and Drug Administration in the Department of Agriculture and its functions, except those functions relating to the administration of the Insecticide Act of 1910, sections 121–134 of this title, were transferred to the Federal Security Agency by Reorg. Plan No. IV, § 12, set out in notes to section 133t of Title 5, Executive Departments and Government Officers and Employees.

§ 121. Short title of chapter.

This chapter shall be known and referred to as "The Insecticide Act". (Apr. 26, 1910, ch. 191, § 13, 36 Stat. 335.)

§ 122. Definitions generally; "insecticide"; "Paris green"; "lead arsenate"; "fungicide."

The term "insecticide" as used in this chapter shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animals, or households, or be present in any environment whatsoever. The term "Paris green" as used in this chapter shall include the product sold in commerce as Paris green and chemically known as the aceto-arsenite of copper. The term "lead arsenate" as used in this chapter shall include the product or products sold in commerce as lead arsenate and consisting chemically of products derived from arsenic acid (H_2AsO_4) by replacing one or more hydrogen atoms by lead. The term "fungicide" as used in this chapter shall include any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi that may infest vegetation or be present in any environment whatsoever. (Apr. 26, 1910, ch. 191, § 6, 36 Stat. 332.)